

# **EXHIBIT A**

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February 25, 2014

**Via E-Mail**

Robert H. Reckers, Esq.  
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JPMorgan Chase Tower  
600 Travis Street, Suite 3400  
Houston, TX 77002-2926

**Re: *Oracle USA, Inc., et al. v. Rimini Street, Inc. and Seth Ravin,***  
**No. 2:10-cv-0106 LRH PAL (D.Nev.)**

Dear Rob:

Oracle writes to demand that Rimini Street cease the business practices that the Court's February 13, 2014 Order determined constitute copyright infringement, and that Rimini provide critical information regarding its current practices. Both issues are important to the way this case will go forward to trial.

As you know, the Court held that Rimini committed copyright infringement, and had no license defense, concerning nine PeopleSoft software environments associated with customers City of Flint and Pittsburgh Public Schools. An important part of the Court's analysis was that the licenses for both customers stated that the software could only be used at the customer's "facilities," which rendered the copies on Rimini's systems infringing. The Court also addressed and rejected Rimini's other arguments concerning those PeopleSoft licenses. The Court then directed the clerk to enter judgment in favor of Oracle and against Rimini on Oracle's cause of action for copyright infringement concerning these nine software environments. In a February 17, 2014 open letter to its customers, Rimini claimed it "will conform its practices in light of the Court's ruling," while acknowledging that Rimini has other customers that "have the exact same license language reviewed by the Court in the representative licenses" considered in the February 13 Order.

As of March 9, 2012, Rimini had 338 environments of PeopleSoft software installed on its systems, according to its first supplemental response to Oracle's interrogatories 20-22. Your client advertises that its business has grown rapidly

Beijing  
Boston  
Frankfurt  
Hartford  
Hong Kong  
Lexington (GSC)  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Santa Monica  
Silicon Valley  
Tokyo  
Washington

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Robert H. Reckers, Esq.  
February 25, 2014  
Page 2

since that time, so we assume the number of PeopleSoft environments on Rimini's systems today is much larger.

PeopleSoft's licenses were generally uniform. The "facilities" restriction is in almost all of them. You can confirm this by reviewing the licenses cited in Oracle's February 10, 2012 supplemental Exhibit A to its response to Rimini's interrogatory 11, or for that matter, Rimini's January 12, 2012 supplemental Exhibit A to its response to Oracle's interrogatory 15.

Based on the Court's February 13 Order and the relevant license agreements, every single PeopleSoft environment on Rimini's systems for at least 139 customers is unlawful copyright infringement. We list these customers in the attached Exhibit A. Our list of 139 customers is limited to those where the four corners of the Court's February 13 Order, without more, resolves liability in favor of Oracle and against Rimini on Oracle's claim for copyright infringement.<sup>1</sup> Rimini has undoubtedly added many other PeopleSoft environments to its systems over the course of the last two years that also fall within the four corners of the Court's February 13 Order which it has not disclosed to Oracle. In addition, we believe Rimini has installed, or caused its customers to install, updates that were generated, at least in part, using some of the foregoing infringing environments, rendering the environments that received those updates infringing as well.

Oracle demands that Rimini immediately cease the business practices that the Court's February 13 Order determined are infringing, quarantine these infringing environments, and provide sufficient information to allow Oracle to determine whether Rimini has ceased committing the infringement identified in the Court's Order. Among other things, this includes:

1. Immediate quarantine, in a way that preserves all evidence but which ensures no further access or use by any customer service employee, of all infringing PeopleSoft software on or accessible through Rimini's systems.
2. Rimini's identification of the PeopleSoft environments it is removing or has removed from its systems.

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<sup>1</sup> We do not include in this list the many other environments on Rimini's systems that Oracle contends are infringing but whose illegality is not necessarily established by the February 13 Order (for example, where the relevant license agreement has different terms from the Flint or Pittsburgh licenses, or environments for other product lines).

Robert H. Reckers, Esq.  
February 25, 2014  
Page 3

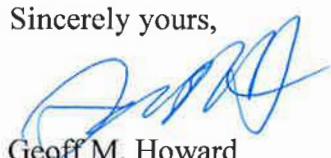
3. Rimini's identification of all updates generated from any of these infringing environments.
4. Rimini's identification of all environments to which Rimini has applied, any update generated from any of the infringing environments; this includes environment where Rimini facilitated a customer's application of any update generated from any of the infringing environments.
5. Rimini's identification of any PeopleSoft environments it is *not* quarantining from its systems and the provisions of the license agreements Rimini contends authorize those environments to remain on its systems available for use.
6. Rimini's ceasing to cross-use *any* environments on its systems as development environments to create or test updates, including tax and regulatory updates, for multiple customers on PeopleSoft software. Rimini's documents produced in this case show that multiple individuals within Rimini believed it was impossible for Rimini to develop PeopleSoft updates without having and cross-using infringing local environments. If Rimini plans to continue delivering PeopleSoft updates to customers, Oracle demands a detailed explanation of how that is possible without committing copyright infringement. Indeed, even the handful of PeopleSoft licenses that arguably lack a facilities restriction still clearly prohibit such cross-use. We request a list of all updates delivered to all customers that were developed with any local environment, by date of delivery, since the close of discovery.
7. Rimini's February 17, 2014 letter to its customers stated that in 2013, Rimini "began" a project to migrate existing PeopleSoft, J.D. Edwards and Siebel environments to a client-hosted option. Oracle demands a full explanation of how that migration was implemented, what was migrated (including with reference to the issues identified above), the status of that migration (including what environments remain on Rimini's system), and how Rimini creates software updates that it provides to supposedly client-hosted environments.

Please promptly confirm that Rimini will cease the business practices that the Court's February 13 Order identified as infringing, and provide confirmatory evidence that it has done so, in the manner described above. In addition, after Rimini responds, we suggest that the parties confer regarding any necessary

Robert H. Reckers, Esq.  
February 25, 2014  
Page 4

discovery to update the trial record and the parameters of trial in light of the Court's Order.

Sincerely yours,



Geoff M. Howard

Robert H. Reckers, Esq.

February 25, 2014

Page 5

	<b>Exhibit A</b>
1	A. O. Smith Corporation
2	Abilene ISD
3	Alcon Laboratories, Inc.
4	Altera Corporation
5	American Council on Education
6	AS America, Inc.
7	AT&T(JJill)
8	Bausch and Lomb Inc.
9	Baxter Healthcare Corporation
10	Bear Sterns & Co., Inc.
11	Belvedere International Inc.
12	Birdville Independent School District
13	Blue Cross Blue Shield Kansas City
14	Blue Diamond Growers
15	Board of Water Works Trustees of the City of Des Moines, IA
16	Brazoria County, TX
17	Canon Development America
18	CC Industries
19	City of Boise, Idaho
20	City of Des Moines, IA
21	City of Eugene, OR
22	City of Flint MI
23	City of Huntsville, AL
24	City of Mesa, Arizona
25	City of Norfolk, Virginia
26	City of Ontario
27	City of Overland Park
28	City Utilities of Springfield, Missouri
29	CKE Restaurants, Inc
30	Clear Channel Management Services LP
31	ConAgra Foods, Inc.
32	Cornell University
33	Correctional Medical Services
34	Cowlitz County Washington
35	Dave & Buster's, Inc.

Robert H. Reckers, Esq.

February 25, 2014

Page 6

36	DecoPac
37	Delta Dental Plan of Michigan, Inc.
38	Detroit Public Schools
39	Dick's Sporting Goods, Inc.
40	Dobbs Temporary Service d/b/a/ Pro Staff
41	Dofasco (CAD)
42	Dynamics Research Corporation
43	East Bay Municipal Utility District
44	Easter Seals New Hampshire
45	El Camino Hospital
46	Empire State Development Corp/NY State Urban Development Corp
47	Enesco International Inc.
48	Express LLC
49	Factory Mutual/FM Global
50	Fairchild Semiconductor Corp.
51	Frederick County
52	Future Farmers of America Incorporated (FFA)
53	Gemological Institute of America
54	Genesis HealthCare Systems
55	HRB Tax Group, Inc.
56	Harkins Builders
57	Harry & David Operations, Inc.
58	Harte-Hanks Response Management
59	Hastings Entertainment
60	Heald College
61	Health Shared Services BC
62	Heritage Valley Health System
63	HH Gregg Appliances Inc
64	Hickory Tech Corporation
65	ING North America Insurance Corporation
66	JBS USA, LLC
67	Jones Lang LaSalle Americas, Inc.
68	Kansas City Board of Public Utilities
69	Kaweah Delta Health Care District
70	Kichler Lighting
71	Knoxville Utility Board

Robert H. Reckers, Esq.

February 25, 2014

Page 7

72	Koch Business Solutions
73	Limited
74	Liz Claiborne, Inc.
75	Louisville Jefferson County Metro Government
76	Lower Colorado River Authority
77	Lucas County OH
78	Maricopa County Arizona
79	Matheson Trucking, Inc.
80	McLennan County
81	Medtron Software Intelligence
82	Medtronic, Inc.
83	Meskwaki Bingo Casino Hotel
84	Michigan Education/ MESSA
85	Mosaic
86	Municipality of Anchorage, Alaska
87	Mutual of Omaha Insurance Company
88	National Grid USA Service Company, Inc.
89	NBC Universal
90	Norwegian Cruise Line
91	Oakland County Michigan
92	Oklahoma Publishing Company
93	On Assignment, Inc.
94	Ontario Lottery and Gaming Company
95	Overwaitea Food Group LP
96	Pepsi Americas
97	PETCO Animal Supplies Stores Inc.
98	Petroleum Geo Services
99	Philadelphia Corporation for Aging
100	Phillips Plastics Corp.
101	Piggly Wiggly Carolina Company, Inc.
102	Pillsbury Winthrop Shaw Pittman LLP
103	Pinnacle Health Systems
104	QuadGraphics, Inc.
105	QuadraMed Affinity Corporation
106	Rain Bird Corporation
107	Remy International, Inc.

Robert H. Reckers, Esq.

February 25, 2014

Page 8

108	Richardson Electronics, Ltd.
109	Rochester City School District
110	Ross Dress for Less, Inc.
111	Saint Barnabas Health Care
112	Santa Fe Natural Tobacco Company
113	Schoenecker, Inc.
114	School District of Pittsburg, PA
115	SFN Group - Spherion
116	ShopKo Stores Operating Company
117	Smurfit Stone Container Corporation
118	Spokane County Washington
119	St. Luke's Cornwall Hospital
120	St. Luke's Hospital
121	StaffMark
122	Star Tribune
123	Summit Technology, Inc (Children's Health System)
124	Summit Technology, Inc (Linc Facility Services)
125	Terra Industries
126	The Steak n Shake Company
127	Toshiba America Information Systems, Inc.
128	Union Pacific Railroad
129	USi
130	USi (Bayshore Community Hospital)
131	USi (GMAC)
132	USI (Intergen)
133	Valassis Communications, Inc.
134	Vanderbilt University
135	VITAS Hospice Services, L.L.C.
136	Winn-Dixie Stores, Inc.
137	Yavapai College
138	YRC Worldwide Technologies
139	Yum Restaurant Services Group